

September 23, 2004

Wendy Wandyez
Engineering
Department of Water and Sewer
3071 S.W. 38th Avenue
Miami, Fl 33146

RE: REQUEST FOR ADVISORY OPINION 04-167

Dear Ms. Wandyez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 22, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether WASD employees who work for the Engineering Section, Construction Division may activate their contractor's license with a company other than Miami-Dade County.

In your letter, you informed the Commission that the employees of the WASD Engineering Division, Construction Section have responsibility for oversight and inspection of the department's construction projects. As such, the employees work on site at the department's construction projects. The employees may establish contracting firms with their license and work on their own and/or in partnership with other companies.

The Ethics Commission found that the Conflict of Interest and Code of Ethics ordinance

prohibits employees of the WASD Engineering Division, Construction Section from activating their general contracting license with a company other than Miami-Dade County. Section 2-11.1(j) prohibits employees from engaging in any outside employment that will impair the employee's independent judgment in the performance of his or her public duties. The employees in the WASD Engineering Section, Construction Section perform oversight responsibilities on the department's construction projects. If employees are permitted to activate their general contractor's licenses with other companies or as sole proprietorships, the employees may work with companies or suppliers over whom they have oversight responsibilities in their position as project managers for WASD. Therefore, the outside employment might impair the employees' independent judgment and is prohibited by the Conflict of Interest and Code of Ethics ordinance.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

